

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

Crl.Rev.Pet.No. 918 of 1998

**CRL.A.47/1997 OF ADDL. SESSIONS COURT, THRISSUR,
ST.282/1994 OF JUDL. MAGISTRATE OF FIRST CLASS COURT, IRINJALAKUDA.**
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REVN. PETITIONER:

**SATHIAN,
S/O. ORIPARAMBIL VELAYUDHAN,
CHEMBUTHRA DESOM,
PANAMCHERI, THRISSUR.**

BY ADV. SRI.P.VIJAYA BHANU.

RESPONDENTS/RESPONDENTS/COMPLAINANT AND STATE:

- 1. RAVI, S/O. MADATHIPARAMBIL UNNICHEKKAN,
PAZHAMBILLI DESOM, KODAKARA,
MUKUNDAPURAM.**
- 2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

**BY ADV. SRI.K.G.BALASUBRAMANIAN FOR R1,
PUBLIC PROSECUTOR SRI. K.C. SANTHOSH KUMAR.**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 16/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

J.B.KOSHY, J.

Crl.R.P.No.918 OF 1998

Dated 16th July, 2007

ORDER

Revision petitioner was convicted and sentenced to undergo rigorous imprisonment for three months and to pay a fine of Rs.30,000/=. The appellate court reduced the sentence to undergo simple imprisonment for one month and fine as awarded by the trial court. At the time of admission sentence was suspended on condition that the revision petitioner deposits the fine amount of Rs.30,000/=. It is submitted that the fine amount is paid. The complainant is more interested in getting his money back than putting the petitioner in prison. If the fine amount is paid, it should be given to the complainant as compensation under Section 357 Cr.P.C. I am modifying the sentence instead of imprisonment and fine, fine of Rs.30,000/= alone is imposed as sentence, even though I am not interfering with the conviction. If the fine amount is not already paid, he should suffer default sentence of imprisonment for three months.

The revision petition is disposed of accordingly.

J.B.KOSHY
Judge

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